

**Representative Hall, Atlanta, Georgia****Thursday, January 12, 2006**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abdul-Salaam	Cummings	Horne	May	Scheid
Amerson	Davis	Houston	McCall	Scott, A
Ashe	Dickson	Howard, E	E McClinton	Scott, M
Barnard	Dodson	Hugley	Meadows	Setzler
Bearden	Drenner	Jacobs	Millar	E Shaw
Benton	Dukes	James	Mills	Sheldon
Black	Ehrhart	Jamieson	E Mitchell	Sims, F
Borders	England	Jenkins	Mosley	Smith, B
Bridges	Everson	Jennings	Mumford	Smith, L
Brooks	Fleming	Johnson	Murphy, J	Smith, P
Bruce	Floyd, J	Jones, S	Murphy, Q	Smith, R
Bryant	Fludd	Keen	Neal	Smith, T
Buckner, D	Forster	Keown	O'Neal	Smith, V
Buckner, G	Franklin	Kidd	Parham	Smyre
Burkhalter	Freeman	Knox	Parrish	Stanley-Turner
Burmeister	Gardner	Lakly	Parsons	Talton
Burns	Geisinger	Lane, B	Porter	Teilhet
Byrd	Graves, T	Lane, R	Powell	Thomas, A.M
Carter	Greene	Lewis	Ralston	E Thomas, B
Casas	Hanner	Lord	Randall	Tumlin
Chambers	Hatfield	Loudermilk	Ray	Warren
Cheokas	Heard, J	Lunsford	Reece, S	Watson
Coan	Heard, K	Maddox	Reese	Willard
Cole	Hembree	Manning	Rice	Williams, A
Coleman, B	Hill, C	Marin	Roberts	Williams, E
Cooper	Hill, C.A	Martin	Royal	Williams, R
Cox	Holt	Maxwell	Rynders	Richardson,
Crawford				Speaker

The following members were off the floor of the House when the roll was called:

Representatives Anderson of the 123rd, Barnes of the 78th, Beasley-Teague of the 65th, Benfield of the 85th, Bordeaux of the 162nd, Brown of the 69th, Butler of the 18th, Channell of the 116th, Coleman of the 144th, Day of the 163rd, Dean of the 59th, Dollar of the 45th, Floyd of the 99th, Golick of the 34th, Graves of the 137th, Harbin of the 118th, Heckstall of the 62nd, Hudson of the 124th, Jackson of the 161st, Jordan of the 77th, Knight of the 126th, Lindsey of the 54th, Lucas of the 139th, Mangham of the 94th, Morgan of the 39th, Morris of the 155th, Mosby of the 90th, Oliver of the 83rd, Orrock of the 58th, Reece of the 11th, Rogers of the 26th, Sailor of the 93rd, Sims of the 169th,

Sinkfield of the 60th, Stephens of the 164th, Stephenson of the 92nd, Thomas of the 55th, Walker of the 107th, Wilkinson of the 52nd, Wix of the 33rd, and Yates of the 73rd.

They wish to be recorded as present.

Prayer was offered by Dr. Debora Grant, Pastor, St. John A.M.E. Church, Columbus, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 945. By Representatives Oliver of the 83rd, Ashe of the 56th, Drenner of the 86th, Kidd of the 115th, Gardner of the 57th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to repeal an exception to the age requirement for marriage in the case of pregnancy or live birth; to repeal an exception to parental consent based upon pregnancy or live

birth; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 964. By Representatives Brooks of the 63rd, Watson of the 91st, Abdul-Salaam of the 74th, Jordan of the 77th, Beasley-Teague of the 65th and others:

A BILL to be entitled an Act to amend Title 50 of the O.C.G.A., relating to state government, so as to prohibit the Office of Treasury and Fiscal Services from making certain deposits in certain financial institutions unless the financial institution has certified that it does not have any direct loans or knowledge of any indirect loans to certain entities connected with the Republic of Sudan; to define a certain term; to provide that a state agency may not procure certain supplies that are produced or manufactured in the Republic of Sudan; to require any bidder or offeror for any procurement over a certain amount to certify that such bidder or offeror is not doing business with or in the Republic of Sudan; to require the state to provide notice of certain requirements regarding doing business with or in the Republic of Sudan; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Banks & Banking.

HB 1008. By Representative Carter of the 159th:

A BILL to be entitled an Act to amend Article 9 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, the "Georgia Hospice Law," so as to provide that palliative care may be provided under hospice to patients with advanced and progressive diseases with a life expectancy of more than six months; to revise certain definitions relating to hospice care; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 1009. By Representatives Everson of the 106th, Coan of the 101st, Sheldon of the 105th, Lunsford of the 110th, Talton of the 145th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to state government in general, so as to provide for the public policy of this state with respect to the provision of state or local public benefits to aliens; to recognize the existence and primacy of

federal law on this subject; to declare that it is the policy of this state that state or local public benefits may be provided to aliens only as specifically authorized under federal law; to define terms; to require compliance by state departments and agencies and provide for annual reports with respect to compliance; to provide for other related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

HB 1010. By Representatives Powell of the 29th, Bearden of the 68th, Cummings of the 16th and Parham of the 141st:

A BILL to be entitled an Act to amend Code Section 48-8-2 of the Official Code of Georgia Annotated, relating to definitions regarding sales and use tax, so as to change the definition of sales price; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1011. By Representatives Buckner of the 130th, Walker of the 107th and Mosley of the 178th:

A BILL to be entitled an Act to amend Chapter 5A of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Community Health, so as to provide for a pilot program to test and evaluate a system of coverage for costs associated with the prevention and treatment of lymphedema; to provide for program eligibility; to provide for coverage requirements; to provide for data collection; to provide for duration of the pilot program; to provide for an evaluation report on the pilot program; to provide for automatic repeal; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Human Relations & Aging.

HB 1012. By Representatives Millar of the 79th, Watson of the 91st, Chambers of the 81st, Jennings of the 82nd and Jacobs of the 80th:

A BILL to be entitled an Act to amend Code Section 36-82-1 of the Official Code of Georgia Annotated, relating to requirements and conditions applicable to general obligation bonds, so as to provide for additional bond performance audit requirements; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1013. By Representative Burkhalter of the 50th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxation, so as to provide for an additional, limited period of time for a sales and use tax exemption under certain circumstances of jet fuel sold to or used by certain qualifying airlines; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1014. By Representatives Tumlin of the 38th, Ehrhart of the 36th, Jones of the 44th, Golick of the 34th, Manning of the 32nd and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to extend the automatic repeal date for an exemption for overhead materials of a government contractor; to delete obsolete language; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1015. By Representatives Porter of the 143rd, Hugley of the 133rd, Smyre of the 132nd, Randall of the 138th, Ashe of the 56th and others:

A BILL to be entitled an Act to amend Code Section 21-2-380 of the Official Code of Georgia Annotated, relating to the definition of "absentee elector" and when reason for absentee ballot not required, so as to provide for advance voting throughout the period for absentee balloting; to provide for certain optional advance voting hours; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 1016. By Representatives Drenner of the 86th, Forster of the 3rd, Oliver of the 83rd, Benfield of the 85th, Jamieson of the 28th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to repeal an exception to the minimum age requirement to contract marriage in the case of pregnancy or live birth; to repeal an exception to parental consent based upon

pregnancy or live birth; to revise certain provisions for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1017. By Representatives Drenner of the 86th, Forster of the 3rd, Oliver of the 83rd, Ashe of the 56th, Benfield of the 85th and others:

A BILL to be entitled an Act to amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the O.C.G.A., the compulsory school attendance law, so as to provide that a minor between the ages of 16 and 18 may not withdraw from enrollment in school without the permission of his or her parent or guardian; to provide for a withdrawal conference; to require the completion and submission of a withdrawal from enrollment form; to provide for a publication delineating earning potential and financial self-sufficiency risks; to provide for printed materials and website access to materials designed to inform students and their parents and guardians of resources for various types of assistance and to track statistics relating to the withdrawal from enrollment by minors; to provide for construction; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 1018. By Representatives Lewis of the 15th, O'Neal of the 146th, Greene of the 149th, Royal of the 171st, Hanner of the 148th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for an exemption regarding the sale or use of biomass material utilized in the production of electrical power or the coproduction or cogeneration of electrical and steam power which is subsequently sold; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1019. By Representatives Day of the 163rd, Horne of the 71st, Neal of the 1st, Hanner of the 148th, Chambers of the 81st and others:

A BILL to be entitled an Act to create and establish the "Taser Certification Act"; to amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and training of peace officers, so as to

require certified training for law enforcement officers for the official use of tasers, stun guns, or other similar devices; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety.

HB 1020. By Representatives Bridges of the 10th, Meadows of the 5th, Brooks of the 63rd, Cummings of the 16th and Coleman of the 97th:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to insert language emphasizing that retirement allowances in several public retirement systems shall not become effective prior to the month following the member's final month of employment; to provide that the trustees of the Georgia Defined Contribution Plan shall establish the amount below which a departing member must withdraw his or her contributions; to provide for gender neutrality; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

HB 1021. By Representatives Oliver of the 83rd, Ashe of the 56th, Kidd of the 115th, Gardner of the 57th and Benfield of the 85th:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide for treatment of children who are victims of commercial sexual exploitation; to provide for definitions; to change a definition; to change provisions relating to when a child may be taken into custody; to change provisions relating to when detention of a child is permitted; to change certain provisions relating to an allegation of deprivation; to change certain provisions relating to disposition of a deprived child; to amend Code Section 16-6-9 of the Official Code of Georgia Annotated, relating to prostitution, so as to add a minimum age for committing the offense of prostitution; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1022. By Representatives Bridges of the 10th, Crawford of the 127th, Harbin of the 118th, Amerson of the 9th and O'Neal of the 146th:

A BILL to be entitled an Act to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to the annual salaries of certain state officials, so as to provide that members of constitutional commissions may

be reimbursed for certain expenses incurred during the performance of their official duties; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Appropriations.

HB 1023. By Representatives Franklin of the 43rd, Willard of the 49th, Lane of the 167th, Neal of the 1st, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to provide that a person must have reached the age of majority to contract marriage; to repeal an exception to such age requirement in the case of pregnancy or live birth; to remove an exception to parental consent based upon pregnancy or live birth; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1024. By Representatives Franklin of the 43rd, Rynders of the 152nd, Coan of the 101st, Williams of the 4th, England of the 108th and others:

A BILL to be entitled an Act to amend Code Section 50-3-100 of the Official Code of Georgia Annotated, relating to the designation of English as the official language, so as to eliminate certain discretionary authority regarding the use or printing of certain documents; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1025. By Representatives Ray of the 136th, O'Neal of the 146th, Talton of the 145th and Wix of the 33rd:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special license plate honoring veterans of wartime service in the armed forces of the United States; to provide for purposes, design, applications, fees, issuance, revenues, renewals, and transfers; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HR 1035. By Representatives Teilhet of the 40th, Oliver of the 83rd, Benfield of the 85th, Stephenson of the 92nd and Jacobs of the 80th:



A RESOLUTION proposing an amendment to the Constitution so as to provide that members of the General Assembly shall not be free from arrest during sessions of the General Assembly, committee meetings during the session, and going to and from the session; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HR 1038. By Representatives Keown of the 173rd, Hill of the 21st, Tumlin of the 38th, Davis of the 109th, Royal of the 171st and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide for four-year terms of office for members of the General Assembly; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Governmental Affairs.

HR 1040. By Representatives Brooks of the 63rd, Jones of the 44th, Watson of the 91st, Smyre of the 132nd, Holmes of the 61st and others:

A RESOLUTION honoring Mrs. Rosa Parks, Dr. Ralph David Abernathy, Sr., Reverend Hosea Williams, and Dr. Joseph Lowery, recognizing their accomplishments as worthy of enduring memorials, and authorizing the placement of their portraits in the State Capitol; and for other purposes.

Referred to the Committee on Special Rules.

HR 1054. By Representatives Day of the 163rd, Hill of the 180th, Rogers of the 26th, Stephens of the 164th and Carter of the 159th:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide for the payment of just and adequate compensation with respect to the inverse condemnation of private property; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Judiciary.

HR 1055. By Representatives Buckner of the 130th, Walker of the 107th and Mosley of the 178th:

A RESOLUTION urging the hospitals, clinics, physicians, and other health care providers to require any lymphedema treatment to be conducted by nationally certified lymphedema therapists; and for other purposes.

Referred to the Committee on Human Relations & Aging.

HR 1056. By Representatives Buckner of the 130th, Walker of the 107th and Mosley of the 178th:

A RESOLUTION urging the medical, nursing, occupational therapy, physical therapy, and other health related schools in this state to include training on lymphedema prevention and treatment in the required curriculum; and for other purposes.

Referred to the Committee on Human Relations & Aging.

HR 1078. By Representatives Franklin of the 43rd, Coan of the 101st, Brown of the 69th, Scott of the 2nd, Loudermilk of the 14th and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that no tax or fee shall be imposed or increased unless approved by at least 60 percent of the qualified electors residing within the limits of the taxing jurisdiction voting in a referendum thereon; to provide for an exception; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Ways & Means.

By unanimous consent, the following Bills and Resolutions of the House were read the second time:

HB 950  
HB 956  
HB 958  
HB 967  
HB 988  
HB 989  
HB 990  
HB 991  
HB 992  
HB 993  
HB 994  
HB 995

HB 999  
HB 1000  
HB 1001  
HB 1002  
HB 1003  
HB 1004  
HB 1005  
HB 1006  
HB 1007  
HR 1039  
HR 1048  
HR 1049

HB 996  
HB 997  
HB 998

HR 1050  
HR 1051  
HR 1052

Representative Day of the 163rd District, Chairman of the Committee on Public Safety, submitted the following report:

Mr. Speaker:

Your Committee on Public Safety has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 973 Do Pass

Respectfully submitted,  
/s/ Day of the 163rd  
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR  
THURSDAY, JANUARY 12, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 4th Legislative Day as enumerated below:

DEBATE CALENDAR

**Open Rule**

None

**Modified Open Rule**

None

**Modified Structured Rule**

SB 84 Polls; change forms of identification

**Structured Rule**

None

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,  
/s/ Ehrhart of the 36th  
Chairman

The following message was received from the Senate through Mr. Eldridge, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the House:

HB 780. By Representative Morris of the 155th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Toombs County, approved February 13, 1959 (Ga. L. 1959, p. 2010), as amended, particularly by an Act approved March 23, 1977 (Ga. L. 1977, p. 3927), so as to reconstitute the board of commissioners; to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following members were recognized during the period of Morning Orders and addressed the House:

Houston of the 170th, Dean of the 59th, Kidd of the 115th, and Keen of the 179th.

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 1083. By Representatives Forster of the 3rd, Neal of the 1st and Dickson of the 6th:

A RESOLUTION congratulating the 2005 Ringgold High School Lady

Tigers Softball Team, winners of the GHSA Class AAAA State Fast Pitch Softball Championship; to invite the team to appear before the House of Representatives; and for other purposes.

HR 1087. By Representatives Cheokas of the 134th, Stephens of the 164th, Casas of the 103rd, May of the 111th, Wilkinson of the 52nd and others:

A RESOLUTION inviting Mr. Peter G. Doukas, MP, to appear before the House of Representatives; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the Senate was taken up for consideration and read the third time:

SB 84. By Senators Staton of the 18th, Williams of the 19th, Chapman of the 3rd, Rogers of the 21st, Chance of the 16th and others:

A BILL to be entitled an Act to amend Code Section 21-2-417 of the Official Code of Georgia Annotated, relating to form of proper identification at polls, so as to change the forms of identification that are acceptable at the polls; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes

The following Committee substitute was read:

#### A BILL

To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, and Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to authorize the State Election Board to conduct certain voter education programs; to change provisions relating to required presentation of identification by voters; to specify the types of identification which may be used; to provide for Georgia voter identification cards to be issued by each county board of registrars to persons who do not have a valid driver's license or identification card issued by the Department of Driver Services; to provide for the contents and appearance of such cards; to provide for applications and supporting documentation; to provide for the supply of equipment and the adoption of rules and regulations by the State Election Board; to change provisions relating to issuance of free identification cards by the Department of Driver Services; to provide for other related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

#### SECTION 1.

Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by striking Code Section 21-2-31, relating to the duties of the State Election Board, and inserting in lieu thereof a new Code Section 21-2-31 to read as follows:

"21-2-31.

It shall be the duty of the State Election Board:

- (1) To supervise and coordinate the work of the office of the Secretary of State, superintendents, registrars, deputy registrars, poll officers, and other officials so as to obtain uniformity in their practices and proceedings and legality and purity in all primaries and elections;
- (2) To formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections; and, upon the adoption of each rule and regulation, the board shall promptly file certified copies thereof with the Secretary of State and each superintendent;
- (3) To publish and furnish to primary and election officials, from time to time, a sufficient number of indexed copies of all primary and election laws and pertinent rules and regulations then in force;
- (4) To publish and distribute such explanatory pamphlets regarding the interpretation and application of primary and election laws as in the opinion of the board should be distributed to the electorate;
- (5) To investigate, or authorize the Secretary of State to investigate, when necessary or advisable the administration of primary and election laws and frauds and irregularities in primaries and elections and to report violations of the primary and election laws either to the Attorney General or the appropriate district attorney who shall be responsible for further investigation and prosecution. Nothing in this paragraph shall be so construed as to require any complaining party to request an investigation by the board before such party might proceed to seek any other remedy available to that party under this chapter or any other provision of law;
- (6) To make such recommendations to the General Assembly as it may deem advisable relative to the conduct and administration of primaries and elections;
- (7) To promulgate rules and regulations to define uniform and nondiscriminatory standards concerning what constitutes a vote and what will be counted as a vote for each category of voting system used in this state;
- (8) To employ such assistants as may be necessary; ~~and~~
- (9) Subject to funds being specifically appropriated by the General Assembly, to formulate and conduct a voter education program concerning voting procedures for voting by absentee ballot and at the polls with particular emphasis on the proper types of identification required for voting; and
- (10) To take such other action, consistent with law, as the board may determine to be conducive to the fair, legal, and orderly conduct of primaries and elections."

## SECTION 2.

Said title is further amended by striking Code Section 21-2-417, relating to presentation of identification by voters, and inserting in its place new Code Sections 21-2-417 and 21-2-417.1 to read as follows:

"21-2-417.

(a) Except as provided in subsection (c) of this Code section, each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place. Proper identification shall consist of any one of the following:

(1) A Georgia driver's license which was properly issued by the appropriate state agency;

(2) A valid Georgia voter identification card issued under Code Section 21-2-417.1 or other valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;

(3) A valid United States passport;

(4) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;

(5) A valid United States military identification card, provided that such identification card contains a photograph of the elector; or

(6) A valid tribal identification card containing a photograph of the elector.

(b) Except as provided in subsection (c) of this Code section, if an elector is unable to produce any of the items of identification listed in subsection (a) of this Code section, he or she shall be allowed to vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in subsection (a) of this Code section within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.

(c) An elector who registered to vote by mail, but did not comply with subsection (c) of Code Section 21-2-220, and who votes for the first time in this state shall present to the poll workers either one of the forms of identification listed in subsection (a) of this Code section or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of such elector. If such elector does not have any of the forms of identification listed in this subsection, such elector may vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this subsection within the time period for verifying provisional ballots pursuant to Code Section 21-2-

419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.

21-2-417.1.

(a) Each county board of registrars shall provide at least one place in the county at which it shall accept applications for and issue Georgia voter identification cards which shall under state law be valid only for purposes of voter identification under Code Section 21-2-417. No fee shall be charged or collected for the application for or issuance of a Georgia voter identification card.

(b) No person shall be eligible for a Georgia voter identification card if such person has a valid unexpired driver's license or identification card issued under Code Section 40-5-100.

(c) The Georgia voter identification card shall be captioned 'GEORGIA VOTER IDENTIFICATION CARD' and shall contain a prominent statement that under Georgia law it is valid only as identification for voting purposes. The Georgia voter identification card shall be laminated, shall contain a digital color photograph of the applicant, and shall include the following information:

(1) Full legal name;

(2) Address of residence;

(3) Birth date;

(4) Date identification card was issued;

(5) Sex;

(6) Height;

(7) Weight;

(8) Eye color;

(9) County where the identification card was issued including a county number to be assigned for each county by the Secretary of State; and

(10) Such other information or identification as required by rule of the State Election Board.

(d) The application for a Georgia voter identification card shall elicit the information required under subsection (c) of this Code section and such other information as may be required by rule of the State Election Board. The application shall be signed and sworn to by the applicant and any falsification or fraud in the making of the application shall constitute a felony offense under Code Section 16-10-71, relating to the offense of false swearing.

(e) The board of registrars shall require presentation and verification of the following information before issuing a Georgia voter identification card to a person:

(1) A photo identity document, except that a nonphoto identity document is acceptable if it includes both the person's full legal name and date of birth;

(2) Documentation showing the person's date of birth;

(3) Proof of the person's social security account number; and

(4) Documentation showing the person's name and address of principal residence.

(f) A Georgia voter identification card shall remain valid so long as a person resides at the same address and remains qualified to vote. It shall be the duty of a person who



moves his or her residence within the State of Georgia to surrender his or her card to the board of registrars of the county of his or her new residence; and such person may after such surrender apply for and receive a new card if such person is otherwise eligible under this Code section. It shall be the duty of a person who moves his or her residence outside the State of Georgia or who ceases to be qualified to vote to surrender his or her card to the board of registrars by which it was issued.

(g) Equipment and forms for the production of Georgia voter identification cards shall be provided to each county board of registrars by the State Election Board.

(h) The State Election Board shall adopt rules and regulations for the administration of this Code section and, without limiting the generality of the foregoing, such rules and regulations may further define or prescribe the types of documentation required under subsection (e) of this Code section."

### SECTION 3.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Code Section 40-5-103, relating to fees for personal identification cards for persons without driver's licenses, by striking subsection (d) and inserting in its place a new subsection to read as follows:

"(d) The department shall not be authorized to collect a fee for an identification card from any person:

(1) Who swears under oath that he or she ~~is indigent and cannot pay the fee for an identification card, that he or she~~ desires an identification card in order to vote in a primary or election in Georgia; and that he or she does not have any other form of identification that is acceptable under Code Section 21-2-417 for identification at the polls in order to vote; and

(2) Who produces evidence that he or she is registered to vote in Georgia.

This subsection shall not apply to a person who has been issued a driver's license in this state."

### SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

### SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read:

Representative Porter of the 143rd et al. move to *amend the Committee substitute to SB 84 by striking lines 2 and 3 on page 4 and inserting in lieu thereof the following:*

(a) The governing authority of each county shall provide at least one place in the county to accept applications for and issue Georgia voter identification cards which shall.

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	N Crawford	N Hill, C.A	N Martin	Y Sailor
N Amerson	Y Cummings	Y Holmes	N Maxwell	N Scheid
Y Anderson	N Davis	N Holt	N May	N Scott, A
Y Ashe	N Day	N Horne	N McCall	N Scott, M
N Barnard	Y Dean	N Houston	E McClinton	N Setzler
Y Barnes	N Dickson	Y Howard, E	N Meadows	E Shaw
N Bearden	N Dodson	Y Hudson	N Millar	N Sheldon
Y Beasley-Teague	N Dollar	Y Hugley	N Mills	N Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
N Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	N Ehrhart	Y James	N Morris	N Smith, B
Y Bordeaux	N England	Y Jamieson	Y Mosby	N Smith, L
Y Borders	Y Epps	Y Jenkins	N Mosley	Y Smith, P
N Bridges	N Everson	N Jennings	N Mumford	N Smith, R
Y Brooks	N Fleming	Y Johnson	N Murphy, J	N Smith, T
N Brown	Y Floyd, H	N Jones, J	Y Murphy, Q	N Smith, V
Y Bruce	N Floyd, J	Y Jones, S	N Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	N Forster	N Keen	N O'Neal	N Stephens
Y Buckner, G	N Franklin	N Keown	Y Orrock	Y Stephenson
N Burkhalter	N Freeman	Y Kidd	Y Parham	N Talton
N Burmeister	Y Gardner	N Knight	Y Parrish	Y Teilhet
N Burns	N Geisinger	N Knox	N Parsons	Y Thomas, A.M
N Butler	N Golick	N Lakly	Y Porter	E Thomas, B
N Byrd	N Graves, D	N Lane, B	Y Powell	N Tumlin
N Carter	N Graves, T	N Lane, R	N Ralston	N Walker
N Casas	Y Greene	N Lewis	Y Randall	Y Warren
N Chambers	Y Hanner	N Lindsey	Y Ray	Y Watson
Y Channell	N Harbin	Y Lord	Y Reece, B	N Wilkinson
Y Cheokas	N Hatfield	N Loudermilk	N Reece, S	N Willard
N Coan	N Heard, J	Y Lucas	N Reese	Y Williams, A
N Cole	Y Heard, K	N Lunsford	N Rice	Y Williams, E
N Coleman, B	Y Heckstall	N Maddox	N Roberts	N Williams, R
Coleman, T	N Hembree	Y Mangham	N Rogers	Y Wix
N Cooper	Y Henson	N Manning	N Royal	N Yates
N Cox	N Hill, C	Y Marin	N Rynders	Richardson, Speaker

On the adoption of the amendment, the ayes were 72, nays 102.

The amendment was lost.

The following amendment was read:

Representative Porter of the 143rd et al. move to *amend the Committee substitute to SB 84 by striking lines 33 and 34 on page 5 and inserting in lieu thereof the following:*

This Act shall become effective on January 1, 2010.

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	N Crawford	N Hill, C.A	N Martin	Y Sailor
N Amerson	Y Cummings	Y Holmes	N Maxwell	N Scheid
Y Anderson	N Davis	N Holt	N May	N Scott, A
Y Ashe	N Day	N Horne	N McCall	N Scott, M
N Barnard	Y Dean	N Houston	E McClinton	N Setzler
Y Barnes	N Dickson	Y Howard, E	N Meadows	E Shaw
N Bearden	N Dodson	Y Hudson	N Millar	N Sheldon
Y Beasley-Teague	N Dollar	Y Hugley	N Mills	N Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
N Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	N Ehrhart	Y James	N Morris	N Smith, B
Y Bordeaux	N England	Y Jamieson	Y Mosby	N Smith, L
Y Borders	Y Epps	Y Jenkins	N Mosley	Y Smith, P
N Bridges	N Everson	N Jennings	N Mumford	N Smith, R
Y Brooks	N Fleming	Y Johnson	N Murphy, J	N Smith, T
N Brown	Y Floyd, H	N Jones, J	Y Murphy, Q	N Smith, V
Y Bruce	N Floyd, J	Y Jones, S	N Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	N Forster	N Keen	N O'Neal	N Stephens
Y Buckner, G	N Franklin	N Keown	Y Orrock	Y Stephenson
N Burkhalter	N Freeman	Y Kidd	N Parham	N Talton
N Burmeister	Y Gardner	N Knight	N Parrish	Y Teilhet
N Burns	N Geisinger	N Knox	N Parsons	Y Thomas, A.M
N Butler	N Golick	N Lakly	Y Porter	E Thomas, B
N Byrd	N Graves, D	N Lane, B	Y Powell	N Tumlin
N Carter	N Graves, T	N Lane, R	N Ralston	N Walker
N Casas	Y Greene	N Lewis	Y Randall	Y Warren
Chambers	Y Hanner	N Lindsey	Y Ray	Y Watson
N Channell	N Harbin	Y Lord	Y Reece, B	N Wilkinson
Y Cheokas	N Hatfield	N Loudermilk	N Reece, S	N Willard
N Coan	N Heard, J	Y Lucas	N Reese	Y Williams, A
N Cole	Y Heard, K	N Lunsford	N Rice	Y Williams, E
N Coleman, B	Y Heckstall	N Maddox	N Roberts	N Williams, R
Coleman, T	N Hembree	Y Mangham	N Rogers	Y Wix
N Cooper	Y Henson	N Manning	N Royal	N Yates
N Cox	N Hill, C	Y Marin	N Rynders	Richardson, Speaker

On the adoption of the amendment, the ayes were 69, nays 104.

The amendment was lost.

Due to a mechanical malfunction, the vote of Representative Chambers of the 81st was not recorded on the preceding roll call. She wished to be recorded as voting nay thereon.

The following amendment was read and adopted:

Representative Porter of the 143rd et al. move to *amend the Committee substitute to SB 84 by striking lines 11 through 12 on page 5 and inserting in lieu thereof the following:*

(g) The State Election Board shall provide each county board of registrars with the necessary equipment, forms, supplies, and training for the production of the Georgia voter identification cards and shall maintain such equipment.

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	N Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
N Anderson	Y Davis	Y Holt	Y May	Y Scott, A
N Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	N Dean	Y Houston	E McClinton	Y Setzler
N Barnes	Y Dickson	N Howard, E	Y Meadows	E Shaw
Y Bearden	Y Dodson	N Hudson	Y Millar	Y Sheldon
N Beasley-Teague	Y Dollar	N Hugley	Y Mills	Y Sims, C
N Benfield	N Drenner	N Jackson	N Mitchell	N Sims, F
Y Benton	N Dukes	N Jacobs	N Morgan	N Sinkfield
Y Black	Y Ehrhart	N James	Y Morris	Y Smith, B
N Bordeaux	Y England	N Jamieson	N Mosby	Y Smith, L
N Borders	N Epps	N Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
N Brooks	Y Fleming	N Johnson	Y Murphy, J	Y Smith, T
Y Brown	N Floyd, H	Y Jones, J	N Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	N Jones, S	Y Neal	N Smyre
N Bryant	Fludd	N Jordan	N Oliver	N Stanley-Turner
N Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
N Buckner, G	Y Franklin	Y Keown	N Orrock	N Stephenson
Y Burkhalter	Y Freeman	N Kidd	Y Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	Y Parrish	N Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	N Thomas, A.M
Y Butler	Y Golick	Y Lakly	N Porter	E Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	N Greene	Y Lewis	N Randall	N Warren
Y Chambers	N Hanner	Y Lindsey	Y Ray	N Watson
Y Channell	Y Harbin	N Lord	N Reece, B	Y Wilkinson

N Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	N Williams, A
Y Cole	N Heard, K	Y Lunsford	Y Rice	N Williams, E
Y Coleman, B	N Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	N Mangham	Y Rogers	N Wix
Y Cooper	N Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	N Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 110, nays 64.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

Representative Coleman of the 144th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Shaw of the 176th was excused on the preceding roll call. He wished to be recorded as voting "nay" thereon.

House of Representatives  
Legislative Office Building, Room 601  
Atlanta, Georgia 30334

January 12, 2006

To the House Journal:

Today I voted against S.B. 84 because the bill was shoved through the Governmental Affairs Committee on January 9 at 3 PM. On the first day of the session, the Governmental Affairs Committee was adjourned without allowing the State Elections Director to speak more than 3 minutes so that she could share the concerns of most registrars around the State.

I am in favor of voters having a picture ID. Unfortunately, the way this issue has been addressed is a dismal failure. Persons who have easy access to getting a picture ID will not be impacted by this bill. But, those members of the "Greatest Generation" who no longer have a car or drivers license but who look forward each voting day to go to the poles to exercise their sacred right to vote will be impacted.

If a sensible approach to mandating a picture ID was before us I could vote Yes, but today I must vote No.

/s/ Gail Buckner

The following Resolutions of the House were read and adopted:

HR 1088. By Representative Dukes of the 150th:

A RESOLUTION commending the first students to integrate the Baker County schools; and for other purposes.

HR 1089. By Representatives O'Neal of the 146th, Royal of the 171st, Burkhalter of the 50th, Keen of the 179th, Porter of the 143rd and others:

A RESOLUTION commending Robert J. "Bobby" Lenihan; and for other purposes.

HR 1090. By Representative Smith of the 113th:

A RESOLUTION commending Tyler Johnson Meehan; and for other purposes.

HR 1091. By Representatives Lewis of the 15th, Loudermilk of the 14th and Graves of the 12th:

A RESOLUTION commending Alexander Johnston Ginn on becoming an Eagle Scout; and for other purposes.

HR 1092. By Representatives Davis of the 109th, Everson of the 106th, Stephens of the 164th, Loudermilk of the 14th, Cox of the 102nd and others:

A RESOLUTION commending the Georgia Farm Bureau for adopting Resolution 074-A with respect to the federal estate tax; and for other purposes.

HR 1093. By Representatives Davis of the 109th, Cox of the 102nd, Casas of the 103rd, Everson of the 106th, Loudermilk of the 14th and others:

A RESOLUTION commending Honorable Nathan Deal, Phil Gingrey, Jack Kingston, John Linder, Charlie Norwood, Tom Price, and Lynn Westmoreland with respect to H.R. 25, the Fair Tax Act; and for other purposes.

Representative Keen of the 179th moved that the House do now adjourn until 9:00 o'clock, tomorrow morning, and the motion prevailed.

The Speaker announced the House adjourned until 9:00 o'clock, tomorrow morning.